

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:22-cv-0068-BO

YOLANDA IRVING, individually and as the
natural parent and guardian of J.I., JUWAN
HARRINGTON, CYDNEEA
HARRINGTON, KENYA WALTON
individually and as the natural parent and
guardian of R.W., ZIYEL WHITLEY,
DYAMOND WHITLEY, KAMISHA
WHITLEY, NANETTA GRANT as the natural
parent and guardian of Z.G., and
EMANCIPATE NC, INC.,

Plaintiffs,

v.

THE CITY OF RALEIGH, Officer OMAR I.
ABDULLAH, Sergeant WILLIAM ROLFE,
Officer RISHAR PIERRE MONROE, Officer
JULIEN DAVID RATTELADE, and Officer
MEGHAN CAROLINE GAY, Officer DAVID
MEAD, Officer JESUS ORTIZ, Officer KYLE
PERRIN, Officer MICHEAL MOLLERE,
Officer KYLE THOMPSON, Officer
VINCENT DEBONIS, Officer DANIEL
TWIDDY, Officer THOMAS WEBB, Officer
DAVID MCDONALD, Officer DAVID
GARNER, Chief of Police ESTELLA
PATTERSON and City Manager MARCHELL
ADAMS-DAVID, in their official capacities.

Defendants.

**PLAINTIFFS' MOTION TO FILE EXHIBIT D UNDER SEAL
PURSUANT TO LOCAL RULE 79.2**

NOW COME Plaintiffs, by and through undersigned counsel and hereby respectfully move the Court to file Exhibit D, of their motion to compel text communications, under seal.

In support of this motion, Plaintiffs state the following:

1. On March 22, 2023 Plaintiffs filed a motion to compel the production of text messages and a memorandum in support of such motion. ECF Nos. 194-95.
2. Plaintiffs' memorandum in support of their motion to compel includes Exhibit D, which are text messages marked as confidential pursuant to protective order. ECF No. 126.
3. The protective order requires the parties to file documents marked "confidential" under seal. *Id.*
4. Plaintiffs recognize that "common law presumes a right of the public to inspect and copy all judicial records and documents." *Virginia Dep't of State Police v. Washington Post*, 386 F.3d 567, 575 (4th Cir. 2004). And that this "presumption of access, however, can be rebutted if countervailing interests heavily outweigh the public interests in access," and "[t]he party seeking to overcome the presumption bears the burden of showing some significant interest that outweighs the presumption." *Id.* (internal citations omitted).
5. Plaintiffs are filing this motion to comply the Court's protective order, but do not allege that "some significant interest outweighs the presumption" of public access. *Id.*

WHEREFORE, Plaintiffs respectfully request that this Court (1) enter an order permitting Plaintiffs to file under seal Exhibit D of their Motion to Compel, and (2) permitting any party to move to unseal the Exhibits at a future date.

This the 22nd day of March 2023

Respectfully,



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Served on all parties: Via ECF